

Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, Ph.D.

CC: ITS Project Number 42558

Date: March 22, 2016

Re: Sole Source Certification Number 3883 for Syncsort Software License and Maintenance Renewal for the Mississippi Department of Employment Security (MDES)

Contact Name: Teresa Washington

Contact Phone Number: 601-432-8049

Contact E-mail Address: teresa.washington@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3883 for Syncsort software license and maintenance renewal for MDES, please be advised that ITS intends to award software license and maintenance renewal to Syncsort Incorporated as the sole source provider of this product and service through April 30, 2019, in an amount not to exceed \$18,891.00. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

MDES acquired the MFX for z/OS software from Syncsort in 1985. MDES has made a business decision to continue to license and use this software.

Although other products can perform the same function, the conversion from one product to another is challenging. The outdated mainframe operating system (OS) and COBOL and Easytrieve programming languages used are not compatible with newer sorting utilities. Upgrades to the OS, programming languages, and platform, as well as extensive time and funding would be required if MDES were to convert to a different product. The customer's sole source certification request is included as Attachment A.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

The Syncsort software provides the mechanism to create reports on an IBM z9 Processor Model R07 with a zVM engine. The software sorts and creates reports of user requests. MDES has made the business decision to continue the use of this Syncsort product; maintenance for which expires April 30, 2016. The customer's sole source certification request is included as Attachment A.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

Syncsort Incorporated is the sole manufacturer of the MFX for z/OS product, and they are the only company that can provide maintenance support for the product. The vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	3/22/16
Second Advertisement Date	3/29/16
Response Deadline From Objectors	4/5/16, at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 4/6/16

Project Details

MDES originally procured the Syncsort MFX for z/OS software license and maintenance in 1985 as a sole source. Since 1991, MDES has expended approximately \$108,290.00 for the Syncsort software license and maintenance. The license and maintenance previously purchased by MDES expires April 30, 2016. MDES is now seeking to renew the license and maintenance of the MFX for z/OS software product through this procurement.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Syncsort software license and maintenance renewal should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Syncsort Incorporated.

1.1 Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Tuesday, April 5, 2016, at 3:00 p.m. (Central Time) to Teresa Washington at teresa.washington@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380.

ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Teresa Washington to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4 Interested Party responses should include the following information:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 3883-42558
Accepted until April 5, 2016 @ 3:00 p.m.,
ATTENTION: Teresa Washington**

If you have any questions concerning the information above or if we can be of further assistance, please contact Teresa Washington at 601-432-8049 or via email at teresa.washington@its.ms.gov.

Attachment A: Customer Sole Source Certification Request
Attachment B: Vendor Correspondence
Attachment C: Sole Source Procurement Overview



3771 Eastwood Drive
Jackson, Mississippi 39211
Phone 601-432-8000 Fax 601-713-6380

Sole Source Certification Request

Project Title: SyncSort License Renewal			Stimulus (ARRA) Funds? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Customer Contact Information				
Agency/Public University: Dept. of Employment Security Address: 1235 Echelon Parkway Jackson, MS 39213			Contact Person: Melanie McEwen Phone: 601-321-6490 Fax: Email Address: mmcewen@mdes.ms.gov	
MAGIC Customer Number (only required from state agencies): 7000000191 (Employment Security-Business Mgmt)			Division/Dept: Handmail: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Project Summary <i>Narrative Description of Project</i> (include details of original acquisition if applicable): Syncsort allows mainframe users the ability to sort/merge/ join/copy data by exploiting the advanced facilities of the z/OS operating system and IBM System z server.				
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):				
Cost Estimates <i>Fiscal Year</i>	Initial Costs	Ongoing Costs	Time Constraints Item Needed by: 5/1/2016 Funds Expire:	Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 3 years
2016		\$6,297.00	Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds) 100% definite	
2017		\$6,297.00		
2018		\$6,297.00		
Total		\$18,891.00		
Acquisition Details				
Items Requested	Quantity	Description		Building Location(s)
attached		license		MDES
Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). For equipment or hosting outside the State Data Center, attach justification: Needed on mainframe to sort/merge and copy data				
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? Quote provided, sole source letter provided				
Sole Source Certification Note: Certification must be renewed for each revision or continuation of previous Sole Source Approvals.				
Specific business requirements to be met by the requested products or services: This product will allow for sorting and merging COBOL and/or Easytrieve files on the mainframe.				
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): This product (version) allows the continuation of existing business application functionality whereas newer sorting utilities will require MDES to upgrade OS, programming language and platform.				
Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): Other sorting utilities are available; however, the outdated OS, COBOL and/or Easytrieve software used are not compatible with newer sorting utilities. System upgrade, extensive time and funding sources need allocation to upgrade multiple aspects for any newer software.				
Explain why the amount to be expended for the services is reasonable: N/A				
Explain what your agency did to obtain the best possible price for the services: N/A				
Vendor's Certification of Sole Source attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Vendor's proposal submitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.				
Place Order To Vendor Name: Syncsort Incorporated Vendor Address: 50 Tice Blvd., Suite 250 Woodcliff Lake, NJ 07677			Remit To Vendor Name: Syncsort Incorporated Vendor Address: 50 Tice Blvd., Suite 250 Woodcliff Lake, NJ 07677	

Attachment A

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13. In addition, I acknowledge that there is a charge for ITS procurement services associated with this request which will be billed to the requestor by ITS and that my agency/public university is responsible for these charges/costs.

Mark Henry, Executive Director
Name (Agency Head or Public University CIO)/Title

Mark Henry
Signature
March 22, 2016
Date

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November 24, 2015

State of Mississippi/Dept. of Employment Security

Attn: Melanie McEwen

1325 Echelon Parkway
Jackson, MS 39213

Dear Ms. McEwen:

Please be advised that Syncsort Incorporated is the sole manufacturer of the MFX for z/OS Product, and the only company that can provide your organization with maintenance support for the Product.

Such maintenance support provided by Syncsort Inc. includes (i) telephone, fax and e-mail support, (ii) defect corrections to bring the Product into conformity with written specifications, and, (iii) functional and performance enhancements to the Product that Syncsort may release from time to time.

If you have any questions please call me at (201) 882-8315.

Sincerely,

Karen Murray
License Administrator

Attachment C: Sole Source Procurement Overview

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1. The product or services being purchased must perform a function for which no other product or source of services exists,
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
3. The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1. An explanation about why the amount to be expended is reasonable, and
2. An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of \$5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over \$5,000 but not over \$50,000 (not over \$25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than \$5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to \$250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification above \$5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above \$250,000 lifecycle cost require ITS approval.

Attachment C: Sole Source Procurement Overview

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.